

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

SHAWN JOHNSON,

Plaintiff,

VS.

LT. DANIEL BROUGH, et al.,

Defendants.


3:06-cv-0010-RLY-WGH

Entry Discussing Request to Proceed on Appeal In Forma Pauperis

The plaintiff's request for leave to proceed on appeal *in forma pauperis* with respect to his notice of appeal filed on February 14, 2006, is **denied**. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; see *Coppedge v. United States*, 369 U.S. 438, 82 S. Ct. 917 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *Id.* There is no objectively reasonable argument which the plaintiff could present to argue that the disposition of this action was erroneous—nor does his request for leave to proceed on appeal *in forma pauperis* even suggest such an argument. In pursuing an appeal, the plaintiff "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000).

IT IS SO ORDERED.

Date: 02/22/2006


RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

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